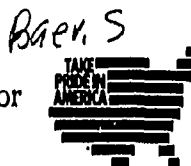




United States Department of the Interior

OFFICE OF THE SOLICITOR  
WASHINGTON, D.C. 20240



In Reply Refer To:  
FWS.CW.0680

MAY 13 1987

RECEIVED

Honorable F. Henry Habicht, II  
Assistant Attorney General  
Land and Natural Resources Division  
Department of Justice  
Washington, D.C. 20530

JUL 20 1987

EPA, REGION III  
OFFICE OF REGIONAL COUNSEL

Re: Taylor Borough Dump Site, Pennsylvania (U.S. v. Serafini)

Dear Mr. Habicht:

The Department has received your letter dated April 8, 1987, requesting the Secretary to authorize the Department of Justice to enter into a covenant not to sue certain settling parties for damages under section 107(a)(4)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. § 9607(a), for natural resources under our trusteeship in the above-mentioned site. Based upon our current findings and review of the proposed Consent Decree enclosed with your letter, including the Final Closure Plan of June 1986, Revised September 1986, we authorize the Department of Justice to act on our behalf in the further negotiation and eventual settlement of the case. We further authorize the Department of Justice to include in a settlement agreement a covenant not to sue for damages to natural resources under the trusteeship of the Department of the Interior at this site.

Based on a survey of the site, we have determined that no lands or easements, minerals, or Indian resources under the trusteeship of this Department are being or have been damaged by releases of hazardous substances at or from the site. From the standpoint of this Department's role as trustee for certain other natural resources, including migratory birds, as described in the National Contingency Plan (40 CFR 300, Sub-part G), it is our determination that the implementation of the U.S. Environmental Protection Agency's selected remedy will require the potentially responsible parties to undertake all appropriate action necessary to protect and restore the natural resources under our trusteeship.


Our decision to agree to this covenant not to sue is based on our review of documents including Records of Decision, (Remedial Alternative Selection) dated June 1985, and March 1986, and the 1986 draft of the Final Closure Plan as well as the aforementioned documents included with your letter. Our decision is

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an appropriate exercise of the Department of the Interior's responsibilities as a natural resources trustee under 122(j) of CERCLA, as amended, and Executive Order 12580.

Therefore, in accordance with Executive Order 12580 and section 122(j) of CERCLA, we hereby authorize the Department of Justice to act on our behalf as stated. So that our files may be complete on this litigation, we would appreciate it if your office would inform us of any significant progress in the proposed settlement as well as send us a copy of the final consent decree. Should you have any questions or comments, our contact is Randall Luthi and he can be reached at 343-7957.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ralph W. Tarr". The signature is fluid and cursive, with a large initial "R" and a stylized "T".

Ralph W. Tarr  
Solicitor

cc: Kevin Gaynor, DOJ  
Steven Baer, DOJ  
Cecil Hoffmann, OEPR

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